

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

CARLOS PETERSON,

Plaintiff,

v.

**5:16-CV-876
(FJS/ATB)**

**RAY A. KYLES and JOSEPH D. GALLERY,
Assistant Attorneys General¹**

Defendants.

APPEARANCES

OF COUNSEL

CARLOS PETERSON

08-B-3052

Attica Correctional Facility

Box 149

Attica, New York 14011

Plaintiff *pro se*

SCULLIN, Senior Judge

ORDER

Currently before the Court is Magistrate Judge Baxter's July 20, 2016 Order and Report-Recommendation, in which he recommended that this Court dismiss Plaintiff's complaint in its entirety with prejudice. *See* Dkt. 4. The parties did not file any objections to this recommendation.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify in

¹Plaintiff refers to Defendants as "Assistance Attorney Generals" in his Complaint. The Court has corrected their title to "Assistant Attorneys General" and instructs the Clerk of the Court to correct the docket accordingly.

whole or in part, the . . . recommendations made by the magistrate judge.” *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Baxter's July 20, 2016 Order and Report-Recommendation for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Baxter's July 20, 2016 Order and Report-Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

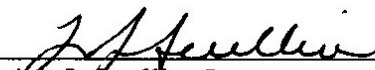
ORDERS that Plaintiff's complaint is **DISMISSED** in its entirety with prejudice; and the Court further

ORDERS that the Clerk of the Court shall enter judgment and close this case; and the Court further

ORDERS that the Clerk of the Court shall serve a copy of this Order on Plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: August 11, 2016
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge